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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/943,803  | 08/31/2001  | Maarten Menzo Wentink | 680-007US           | 1389             |
| 22897   | 7590        | 06/01/2005            |                     | EXAMINER         |
| DEMONT & BREYER, LLC<br>SUITE 250<br>100 COMMONS WAY<br>HOLMDEL, NJ 07733 |             |                       |                     | PATEL, AJIT      |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 2664                |                  |

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                           |                        |
|------------------------------|---------------------------|------------------------|
| <b>Office Action Summary</b> | Application No.           | Applicant(s)           |
|                              | 09/943,803                | WENTINK, MAARTEN MENZO |
|                              | Examiner<br>AJIT G. PATEL | Art Unit<br>2664       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 31 August 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-10 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

1. Claim 1 is objected to because of the following informalities: in line 8, after "the second station", ":" is required. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al (U.S. Pat. #. 6,483,846).

Regarding claim 1, Huang et al discloses a middleware-based real-time communication system which incorporating the steps of directing to a first output queue at a first station of a communication network, message data units to be transmitted over a communication medium and having a first traffic classification (The first queue 152 comprises a real time queue; see fig. 2A and lines 18-21 of col. 5); directing to a second output queue at the first station, message data units to be transmitted over the communication medium and having a second traffic classification (the second queue 154 comprises a non-real time queue; see fig. 2a and lines 24-27, col. 5); sensing the communication medium for an opportunity to transmit message data units without interference from message data units transmitted by a second station, according to sets

of rules that vary by traffic classification yet are common to the first station and the second station (lines 1-5 of col. 5 for transceiver; lines 50-59, col. 11).

Regarding claim 2, Huang et al disclose the step of allowing only one of the first and second output queues to transmit, if the first and second output queues each contain message data units scheduled to be transmitted during a particular opportunity to transmit, according to said sets of rules (Either one queue 152 or 154 are allowed to transmit data to communication medium based on different type of quality service such as real time or non-real time; see fig. 2A; lines 9-14, col. 3).

Regarding claim 3, Huang et al disclose the step of attempting to retransmit, after a respective interval defined differently by each said set of rules, any message data unit transmitted over the communication medium by a station that collides with a message data unit transmitted by another station (if collision of data packets occurs, data packets will be sent again after randomly determined time periods; see lines 43-47, col. 1).

Regarding claim 4, Huang et al disclose the step of attempting to initially transmit a first message data unit from the second output queue of the first station, in accordance with the set of rules corresponding to the traffic classification thereof, as if an unsuccessful attempt to transmit the first message data unit had already been made during a previous transmission opportunity (data packet from second output queue will be sent upon detecting the channel to be idle; lines 36-41, col. 1).

Regarding claims 5,6, Huang et al disclose the limitation wherein an attempt is made to transmit the first message data unit after an interval specified by the set of

rules corresponding to the traffic classification of the second queue and wherein the interval is within a respective random variable window having a corresponding minimum and maximum duration (data packet from second output queue will be sent at second interval; lines 66-67, col. 2; lines 1-8, col. 3).

Regarding claim 7, please see the rejection for claims 1-2.

Regarding claim 8, Please see the rejections for claims 3-4.

Regarding claim 9, Huang et al disclose a communication system for exchanging message data units over a communication medium shared by other systems in a local area network, comprising: a first output queue adapted to receive message data units having a first traffic classification, said first output queue being operable to release message data units for transmission over a communication medium in accordance with a first set of rules corresponding to the first traffic classification (The first queue 152 comprises a real time queue; see fig. 2A and lines 18-21 of col. 5); a second output queue adapted to receive message data units having a second traffic classification, said second output queue being operable to release message data units for transmission over a communication medium in accordance with a second set of rules corresponding to the second traffic classification (the second queue 154 comprises a non-real time queue; see fig. 2a and lines 24-27, col. 5); and a transceiver operative to sense the communication medium for an opportunity to transmit message data units, without interference from message data units transmitted by a second station, and to transmit data message units from each of said first and second output queues according to said first and second sets of rules (lines 1-5 of col. 5 for

transceiver; lines 50-59, col. 11; lines 34-50, col. 1).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al in view of Ghanma et al (U.S. Pat. # 6,470,025).

Huang et al disclose all the claimed subject matter as described in previous paragraph except the communication medium is a wireless channel and wherein said transceiver includes an RF transmitter and antenna. Ghanma et al disclose a wireless CSMA/CD communication system which comprises the communication medium which is a wireless channel and wherein said transceiver includes an RF transmitter and antenna (lines 16-19, col. 3). To use wireless medium as taught by Ghanma et al in the system of Huang et al would have been obvious to one skilled in the art in order to minimize the cost.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP

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Primary Examiner